IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Bail Appl..No. 2199 of 2007()

CRMP.928/2007 of J.M.F.C., ADOOR

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(C.R.NO.2/2007 OF ADOOR EXCISE RANGE , PATHANAMTHITTA)

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PETITIONERS/ACCUSED Nos. 1 & 2:

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1. JAYAKUMAR,S/O.PADMANABHAN,MUKALUVILA VADAKKETHIL VEEDU,MUNDAPPALLY MURI,PERINGANAD VILLAGE.

2. RAJEEV,S/O.BRAHMAVRUTHAN,KALLIKODU VEEDU,POTHADI MURI,PERINGANAD.

BY ADV. SRI.C.C.THOMAS

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE EXCISE INSPECTOR,ADOOR EXCISE RANGE, PATHANAMTHITTA DISTRICT,REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2199/2007

Dated this 12th day of April, 2007

O R D E R

The petitioners, who are accused Nos. 1 and 2 in C.R.No.2/2007 of Adoor Excise Range for an offence punishable under Section 55(a) of the Abkari Act for allegedly having been found in possession of 700 litres of spirit on 13.1.2007 and who surrendered before the Magistrate on 8.2.2007 and were remanded to judicial custody, seek their enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting inter alia that the petitioners are the accused in anther crime involving similar offence. It is fairly conceded that the final report has not been filed even after 60 days of detention of the petitioners. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioners are entitled to be released on bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Adoor and subject to the following conditions:

(a). The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners shall not commit any offence while on bail.

4. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs